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Attorneys for Kerry Krisher, Liquidating Trustee
as successor to the Plaintiff

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

In re
OLD T.B.R., INCORPORATED, f/k/a THE
BILLING RESOURCE, dba INTEGRETEL,
Debtor.

OLD T.B.R., INCORPORATED, f/k/a THE
BILLING RESOURCE, dba INTEGRETEL,
Plaintiff,

v.

THE BILLING RESOURCE, LLC, a Delaware
limited liability company,
Defendant.

Case No.: 07-52890 ASW

Chapter 11

Adv. Pro. No. 09-05074

**AMENDED NOTICE OF HEARING
ON PLAINTIFF'S MOTION FOR
SUMMARY ADJUDICATION THAT
PLAINTIFF IS NOT LIABLE FOR
AMOUNTS ATTRIBUTABLE TO THE
"910 ACCOUNT"**

Date: May 27, 2010

Time: 2:15 p.m.

Place: United States Bankruptcy Court
280 South First Street
San Jose, CA

Judge: Hon. Arthur S. Weissbrodt

Ctrm: 3020

**TO THE HONORABLE ARTHUR S. WEISSBRODT, UNITED STATES BANKRUPTCY
JUDGE, THE OFFICE OF THE UNITED STATES TRUSTEE, AND THE BILLING
RESOURCE, LLC:**

PLEASE TAKE NOTICE that on May 27, 2010 at 2:15 p.m., or as soon thereafter as the
matter may be heard, in the Courtroom of the Honorable Arthur S. Weissbrodt, United States
Bankruptcy Court, 280 South First Street, San Jose, California, Kerry Krisher, Liquidating Trustee

1 (“Plaintiff”) and successor to the rights and claims of the above-referenced debtor (the “Debtor” or
2 “Seller”) will move (the “Motion”) for summary adjudication against The Billing Resource, LLC
3 (“Purchaser”) that Plaintiff is not liable for approximately \$1.3 million that has been billed to the
4 estate as adjustments to the “910 Account”. As a matter of law, the Seller’s assets were sold on an
5 “as-is” basis and without warranty. Because the Asset Purchase Agreement between the Seller and
6 Purchaser is unequivocal in casting the sale as an “as-is-where-is” transaction, Purchaser cannot
7 retroactively bill the estate for adjustments to a general ledger account and summary adjudication
8 should be granted.

9 Plaintiff’s Motion is supported by the accompanying Memorandum of Points and
10 Authorities, the Declarations of Kerry Krisher and Gail Greenwood and exhibits thereto, this Notice,
11 and any other pleadings and evidence before the Court at the hearing.

12 **PLEASE TAKE FURTHER NOTICE** that pursuant to Bankruptcy Rule 7056(c), any
13 opposition must be filed with the Court and served upon the undersigned **within 21 days** after the
14 Motion is served. Pursuant to Bankruptcy Rule 7056(e), a party opposing summary adjudication
15 may not rely merely on allegations or denials in its own pleadings, and its response must –by
16 affidavits or as otherwise provided under the Bankruptcy Rules- set out specific facts showing a
17 genuine issue for trial.

18 Dated: April 19, 2010

PACHULSKI STANG ZIEHL & JONES LLP

20 By /s/ Gail S. Greenwood
21 John D. Fiero
22 Gail S. Greenwood
23 Attorneys for Plaintiff Kerry Krisher,
24 Liquidating Trustee
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